

Tuesday, July 19, 2016

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

PRESENT: Supervisors: Frank R. Mecham, Bruce S. Gibson, Adam Hill, Debbie Arnold and Chairperson Lynn Compton

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON LYNN COMPTON.

Consent Agenda – Review and Approval:

1-16. This is the time set for consideration of the Consent Agenda

Chairperson Compton: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 16 on the following vote is indicated for each item.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Consent Agenda - Administrative Office Items:

1. Thirty-day update on current drought conditions and related management actions for the Board’s review of the continuing need for the March 11, 2014 proclamation of local emergency pursuant to Government Code section 8630. All Districts.

Dr. C. Hite: speaks (video).

Supervisor Mecham: questions the status of the watershed study, with Mr. Wade Horton – Public Works Director responding.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Auditor - Controller - Treasurer - Tax Collector Items:

2. Submittal of a resolution to allow the proration of Escaped Assessments Pursuant to Revenue and Taxation Code Section 531.2(c). All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-184, adopted.

Consent Agenda - Board of Supervisors Items:

3. Submittal of resolutions recognizing the 2016 San Luis Obispo County Wine Industry award recipients . Steve Peck, "Winemaker of the Year", Bob Thomas, "Wine Grape Grower of the Year", and Jean-Pierre Wolff, "Wine Industry Person of the Year". All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NOS. 2016-185, 2016-186, and 2016-187, adopted.

Consent Agenda - Clerk-Recorder Items:

4. Request to declare the results of the June 7, 2016 Presidential Primary Election. All Districts.

Mr. Eric Greening: speaks.

Supervisor Arnold: asks for a response to Mr. Greening's comments regarding the number of provisional ballots, with Mr. Tommy Gong – County Clerk-Recorder responding.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

5. Request to appoint Molly Eisen-Kearns to the Behavioral Health Board. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Parks & Recreation Items:

6. Submittal of a resolution approving the new classification and establishing the salary range of Assistant Director of Parks and Recreation and amending the Position Allocation List (PAL) for Fund Center 305 – Parks by adding 1.00 Full Time Equivalent (FTE) Assistant Director of Parks and Recreation. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-188, adopted.

Consent Agenda - Public Works Items:

7. 1) Submittal of bid opening report for Airport Automated Weather Observation Station and Beacon Equipment (AWOS/Beacon) for Oceano Airport, to award the subject contract to Lee Wilson Electric Company, Inc., the lowest responsive, responsible bidder, in the amount of \$353,620; 2) create project 330025 – Airports – Oceano – AWOS/Beacon; 3) authorize Director of Airports to accept and sign Federal Aviation Administration Grant Award; and 4) authorize a budget adjustment, in the amount of \$408,899. District 4.

The Board approves as recommended by the County Administrative Officer.

8. Submittal of a resolution commending Dave O'Halloran upon his retirement after 34 years with the County of San Luis Obispo. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-189, adopted.

9. Submittal of a resolution for the addition of delinquent water and sewer availability charges for County Service Areas Nos. 7-A (Oak Shores), 16 (Shandon), 18 (Country Club Estates) and 23 (Santa Margarita) to the 2016-17 Property Tax Bills. Districts 1, 3, and 5.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-190, adopted.

10. Submittal of bid opening report for Job Order Contracts (JOC), JOC 16-1 and JOC 16-2, to award the subject contract to California Averland Construction, Inc., the lowest responsive, responsible bidder for JOC 16-1, and to award the subject contract to JG Contracting, the lowest responsive, responsible bidder for JOC 16-2. All Districts.

The Board approves as recommended by the County Administrative Officer.

11. Submittal of a resolution approving the new classification and establishing the salary range of Wastewater Systems Superintendent and amending the Position Allocation List (PAL) for Fund Center 405 – Public Works by adding 1.00 Full Time Equivalent (FTE) Wastewater Systems Superintendent. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-191, adopted.

Consent Agenda - Social Services Items:

12. Request to approve an additional signature page for the FY 2016-17 through FY 2018-19 Memorandum of Understanding with partner agencies providing services for various federally mandated America's Job Center of California (AJCC) programs. All Districts.

The Board approves as recommended by the County Administrative Officer.

13. Request to approve a FY 2016-17 renewal professional services contract (Clerk's File) for Workforce Investment and Opportunity Act (WIOA) America's Job Center of California (AJCC) one-stop system operator services with Goodwill Central Coast in the amount of \$750,000. All Districts.

The Board approves as recommended by the County Administrative Officer.

14. Request to approve a FY 2016-17 renewal service contract (Clerk's File) for CalWORKs Expanded Subsidized Employment (ESE) with Goodwill Central Coast (Goodwill) in the amount of \$194,999. All Districts.

The Board approves as recommended by the County Administrative Officer.

15. Request to approve two FY 2016-17 renewal service contracts (Clerk's File) for 1) CalWORKs Work-Study and 2) Bridge to Success, with San Luis Obispo County Community College District (Cuesta) in the amounts of \$75,000 and \$65,000 respectively. All Districts.

The Board approves as recommended by the County Administrative Officer.

16. Request to approve two FY 2016-17 renewal service contracts (Clerk's File) for Domestic Violence Services with 1) RISE (Respect, Inspire, Support, Empower) of San Luis Obispo County and 2) Women's Shelter Program of San Luis Obispo County (WSP) in the amounts of \$100,000 and \$75,000 respectively. All Districts.

The Board approves as recommended by the County Administrative Officer.

Public Comment Period:

17. This is the time set for members of the public to address the Board on matters that are not scheduled on the agenda.

Mr. Dan Buckshi – County Administrative Officer: states staff will be providing an update to the Board on July 26, 2016, as an added agenda item, on the joint proposal released on June 21, 2016 by PG&E in conjunction with six other entities regarding the closure of Diablo Canyon at the end of its current operating licenses in 2024 and 2025.

Mr. Tommy Gong – County Clerk-Recorder: provides an update on the number of counted provisional ballots; and states the candidate filing period for the November General Election has begun and the last day to file is August 12, 2016.

Mr. Ben DiFatta: addresses issues relating to the use of various State taxes.

Mr. Richard Margetson; Mr. Chuck Cesena; Ms. Linde Owen; and Ms. Tacker: discuss various concerns relating to water conservation in Los Osos. Additionally, Ms. Owen speaks to the removal of accent tress; and Ms. Tacker addresses the State Water Resources Control Board's denial of an interest

rate reduction for the Los Osos Wastewater Project’s State revolving loan.

Dr. C. Hite: presents a video regarding the need to protect the habitat of eucalyptus trees.

Mr. Eric Greening: suggests the processing of permanent ordinances on prohibiting native tree removal and new Ag ponds be considered when the extensions of these urgency ordinances return to the Board; comments on revisiting Planning and Building Department priorities; and the status of the Phillips 66 project.

Ms. Rochelle Becker - Alliance for Nuclear Responsibility: announces various upcoming events relating to the closure of Diablo Canyon; nuclear power plant decommissioning; and recommends reinstating the Waste Policy Committee (documents). **No action taken.**

Hearings:

18.
- Hearing to consider an appeal by Michael Peachey for a waiver of construction permit processing fees for various permits associated with the construction of six 700 square foot single family rental units located at 164 South Mallagh Street in the community of Nipomo. This item was continued from June 21, 2016 and staff is recommending to continue this item to the August 23, 2016 Board meeting. District 4.

Ms. Ellen Carroll – Planning and Building: addresses the reason for the continuance.

Chairperson Compton: opens the floor to public comment without response.

The Board continues this appeal hearing by Michael Peachey to Tuesday, August 23, 2016.

Motion by: Frank R. Mecham
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

19.
- Hearing to consider a resolution authorizing the levy and collection of annual assessments for Tract 1747 Streetlight Assessment District (Nipomo) for Fiscal Year 2016-17. District 4.

Ms. Joanne Hilker – Public Works: presents the hearing.

Chairperson Compton: opens the floor to public comment without response.

The Board conducts the public hearing and RESOLUTION NO. 2016-192, a resolution ordering the levy and collection of assessments for Tract 1747 Streetlight Assessment District for Fiscal Year 2016-2017, adopted. Furthermore, the Board directs the Clerk to file the approved resolution and exhibit with the County Auditor/Controller/Treasurer/Tax Collector (ACTT) no later than August 10, 2016.

Motion by: Adam Hill
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Board Business:

20. Submittal of a resolution calling for a special election of the San Luis Obispo County Self-Help Local Transportation Investment Plan measure imposing a half-cent retail transaction (sales) tax on the incorporated and unincorporated areas of the County and to consolidate the special election with the November 8, 2016 statewide general election. All Districts.

Mr. Dave Flynn - Public Works Deputy Director and Mr. Wade Horton - Public Works Director: provide the staff presentation (PowerPoint). Additionally, Mr. Flynn provides an executed copy of the resolution and ordinance adopted by San Luis Obispo Council of Governments (SLOCOG), indicating the ordinance replaces [SIC] pages 28-34 of Exhibit A to the resolution.

Supervisor Mecham and Chairperson Compton: address the annual amount listed on the ballot question, with Mr. Flynn and Mr. Ron De Carli – SLOCOG Executive Director responding.

Chairperson Compton: opens the floor to public comment.

Mr. Eric Greening; Mr. Clint Pearce – Madonna Enterprises; Mr. Ron De Carli – SLOCOG Executive Director; Mr. Danny Deveraux – CalPortland; Ms. Andrea Seastrand – Central Coast Tax Payers; Dr. C. Hite; Ms. Bev Phifer; Ms. Charlene Rosales – San Luis Obispo Chambers of Commerce; Mr. Chris Gardner; Ms. Lea Brooks – Bike SLO County; Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB); and Mr. Jorge Aguilar: speak.

Board Members: comment on the ability for the community to vote on this matter.

Supervisor Arnold: outlines she doesn’t believe that money should be spent on a ballot measure to ask the voters to increase tax when both the County and the State have recognized sufficient revenues to fully fund road maintenance; that the State has a spending priority problem and continues to divert transportation funding; that the ballot measure is misleading to the voters; and feels this is not the right time to ask voters for more money.

Chairperson Compton: states she is not repeating her reasons for opposing this plan and they can be found by going to the July 12, 2016 meeting.

RESOLUTION NO. 2016-193, a resolution calling for a special election for the purpose of submitting to voters the San Luis Obispo County Self-Help Local Transportation Investment Plan imposing a half-cent retail transaction tax on the incorporated and unincorporated areas of the County of San Luis Obispo and consolidating the special election with the November Statewide General Election, adopted.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)		x		
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)				
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x	x		

[**Clerks Note:** The [SIC] was included to acknowledge that staff unintentionally stated they were replacing pages 28-34 of Exhibit A to the resolution. Upon clarification by staff after the meeting, their intention was only to provide the Board with an executed copy. The resolution was adopted as presented in the staff report.]

Closed Session Items:

21. The Board announces we will be going into Closed Session regarding:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: (1) Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of section 54956.9. Number of potential cases: Three; (2) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of section

54956.9. Number of potential cases: Three.

CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Existing Litigation (Gov. Code, section 54956.9(a)). (Formally initiated.) (3) PG&E's 2017 General Rate Case A. 15-09-001; (4) Edmond Paul Price v. County of San Luis Obispo, et al.

CONFERENCE WITH LABOR NEGOTIATOR (Government Code section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator, Tami Douglas-Schatz, concerning the following employee organizations: (5) San Luis Obispo Government Attorney’s Union (SLOGAU); (6) San Luis Obispo County Employees Association – Trades and Crafts (SLOCEA-T&C); (7) Deputy County Counsel’s Association (DCCA); (8) Sheriffs’ Management; (9) San Luis Obispo County Probation Peace Officers’ Association (SLOCPPOA); (10) Deputy Sheriff’s Association (DSA); (9) District Attorney Investigators’ Association (DAIA); (112) San Luis Obispo County Probation Managers’ Peace Officers’ Association (SLOCPMPOA); (13) San Luis Obispo County Employees Association – Public Services, Supervisors, Clerical (SLOCEA – PSSC); (14) Unrepresented Management and Confidential Employees; and (15) Association of San Luis Obispo County Deputy Sheriffs (ASLOCDs).

Chairperson Compton: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: no report required as no final action was taken and the Board goes into Open Public Session.

Presentations:

- 22. Submittal of a resolution recognizing July 17-23, 2016 as Probation Services Week in San Luis Obispo County. All Districts.

Mr. Jim Salio – Chief Probation Officer: speaks.

Chairperson Compton: opens the floor to public comment without response.

RESOLUTION NO. 2016-194, a resolution recognizing July 17-23, 2016 as Probation Services Week, adopted.

Motion by: Frank R. Mecham

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Board Business:

- 23. Receive and file a joint staff presentation by Planning and Building and Public Works on findings of the transportation evaluation and the 2015 Avila Circulation Study, and provide direction on Avila Beach traffic methodology, capacity allocation and road improvements. District 3.

Ms. Sara Sanders – Planning and Building and Mr. Jeremy Ghent – Public Works: provide the staff presentation (powerpoint).

Board Members: discuss the Community Plan and when it will be finalized; parking assessments and potential enhancement opportunities; the fee program; impacts to the traffic studies from the closure of Diablo Canyon; the status of larger proposed development projects that already submitted applications and their process moving forward, with Ms. Sanders, Mr. Ghent, Mr. Rob Fitzroy and Mr. Matt Janssen – Public Works responding.

Chairperson Compton: opens the floor to public comment.

Mr. David Humphreys (PowerPoint); Mr. Jack San Filippo- Concerned Citizens for Avila; Mr. David Murdock; Mr. Eric Greening; Ms. Sherri Danoff; Ms. Leah Brooks - Bike SLO County; Mr. Mike Brown - Coalition of Labor, Agriculture, and Business (COLAB); Mr. John Hostetter: speak.

Supervisor Mecham: questions the possibility of a secondary access plan, with Mr. Fitzroy and Supervisor Hill responding.

Supervisor Gibson: suggests rewording the Environmental Impact Report language in Recommendation No. 3, with Mr. Fitzroy and Mr. Tim McNulty – Assistant County Counsel responding and providing amended language replacing “Environmental Impact Report” with “all projects subject to CEQA requiring a traffic study”, with no objections by Board Members.

The Board: 1) directs Planning and Building to remove language pertaining to the second week of May traffic methodology from San Luis Bay Area Plan as a part of the Avila Beach Community Plan Update process; 2) directs Public Works to identify a department-based procedure on traffic methodology for Avila Beach Drive and San Luis Bay Drive; and 3) directs staff to require all projects subject to CEQA requiring a traffic study evaluate both the traffic impacts during the second week in May and during the most appropriate time relative to the proposed land use as an interim approach until the Avila Beach Community Plan Update is finalized.

Motion by: Adam Hill
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **TOMMY GONG**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, July 19, 2016, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

TOMMY GONG, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: July 20, 2016